

REMARKS

Applicant has studied the Office Action dated June 5, 2007. Claims 1, 2, and 4-20 are pending. Claims 1, 4, and 11 have been amended and claim 3 has been canceled without prejudice. New claims 12-20 have been added. Claims 1 and 18 are independent claims. No new matter has been added as the amendments have support in the specification as originally filed.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Claims

Claim 1 has been amended to more clearly disclose the present invention. In particular, claim 1 has been amended to incorporate limitations of claim 3, which has been canceled. Claims 4 and 11 have been amended to correct dependency in view of canceled claim 3. It is respectfully submitted that the amendments have support in the application as originally filed. No new matter has been inserted into the application. Accordingly, entry of the amendments to the application is respectfully requested.

§ 102 Rejection

Claims 1-4, 8, 9, and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lim (U.S. 2003/0227564). Applicant respectfully disagrees with the Examiner's interpretation of Lim and respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With this paper, claim 3 has been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claim 3 and it is respectfully requested that the rejection be withdrawn.

With regard to the rejection of claim 1, it is respectfully noted that the Examiner asserts, at page 2 of the Office action, Lim explicitly discloses the following elements: (i) a camera 50; (ii) a housing 25; (iii) a motor 41, which is interpreted as "a gear motor for generating a rotational force" as recited in claim 1 of the present application; and (iv) a decelerator 42, which is interpreted as "a means for decelerating said rotational force" as recited in claim 1 of the present application.

Further, with regard to the rejection of claim 3, it is respectfully noted that the Examiner asserts, at page 3 of the Office action, Lim explicitly discloses the following additional elements: (i) a motor 41, which was interpreted as "a drive gear provided at a camera motor axle" as recited in claim 3 of the present application; (ii) a decelerator 42, which was interpreted as "a decelerating gear" as recited in claim 3 of the present application; (iii) "a deceleration rotational axle" as recited in claim 3 of the present application because the rotational axle was interpreted as being the same axle the camera and motor are located on; and (iv) output terminal (s1), which was interpreted as "a transmission gear operatively coupled between said drive gear and said deceleration gear" as recited in claim 3 of the present application.

However, it is respectfully submitted that Lim fails to disclose each element recited in currently amended claim 1, into which limitations of claim 3 has been incorporated, to further distinguish the presently claimed invention from the disclosure of the cited reference. The presently claimed invention according to claim 1 recites the following elements: (A) a camera and (B) a first portion, comprising: (a) a housing; (b) a gear motor; and (c) a means for decelerating a rotational force generated by the gear motor, comprising: (i) a drive gear; (ii) a deceleration gear, operatively coupled to the drive gear; (iii) a deceleration rotational axle; and (iv) a transmission gear, operatively coupled between the drive gear and the deceleration gear.

It is respectfully noted that the Examiner states that Lim explicitly discloses (A) a camera; (B) a housing 25, (C) a motor 41, and (D) a decelerator 42. It is further respectfully noted that the Examiner believes that Lim also explicitly discloses (i) a drive gear provided at a camera motor axle (interpretation of motor 41), (ii) a deceleration gear (interpretation of decelerator 42); (iii) a deceleration rotational axle (interpretation of the

axle the camera and motor are located on); and (iv) a transmission gear (interpretation of output terminal (s1)).

It is further respectfully noted that although the decelerator 42 is disclosed throughout Lim, nowhere in Lim does it disclose a detailed description or individual elements of the decelerator 42. Lim only discloses that the decelerator 42 is installed at one end of the motor and decreases a rotating force generating in the motor 41 and increases torques to rotate an output terminal (s1), which is connected to a side of camera. Aside from the term "decelerator 42," if individual elements of the means for decelerating a rotational force are disclosed in Lim, it is respectfully requested that the Examiner specifically points out where in Lim does it disclose (i) a drive gear; (ii) a deceleration gear, operatively coupled to the drive gear; (iii) a deceleration rotational axle; and (iv) a transmission gear, operatively coupled between the drive gear and the deceleration gear as in the presently claimed invention.

The Examiner is respectfully reminded that a proper rejection for anticipation under §102 requires that the cited reference discloses not only each element of the claimed invention, but also the relationship between the individual elements required for the claimed invention. Because Lim fails to disclose each element and the relationship between the individual elements of the presently claimed invention, it is respectfully asserted that currently amended independent claim 1 is allowable over the cited reference. It is further respectfully asserted that claims 2, 4, 8, 9, and 11, which ultimately depend from claim 1, also are allowable over the cited reference because the reference fails to disclose the recited limitations.

§ 103 Rejection

Claims 5-7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lim in view of Kang (US 7,133,691). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

“In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. ‘A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.’ If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned.” (citations omitted.)

As discussed above, Applicant submits that the presently claimed invention is distinguished from the Lim invention as Lim fails to disclose or suggest a camera assembly for a mobile communication device comprising a camera; a first portion comprising a housing, a gear motor; and a means for decelerating a rotational force generated by the gear motor, wherein the decelerating means includes a drive gear, a deceleration gear, a decoration rotational axle, and a transmission gear as in the presently claimed invention.

With regard to the rejection of claims 5-7, Kang was cited by the Examiner for disclosing a bushing 42 and an elastic subpart 44 which are attached to the camera module³⁰ because the Examiner believes that they act as a frictional plate.

However, Applicant submits that the frictional plate of the presently claimed invention is clearly distinguished from the bushing and elastic subpart of the Kang invention. It is respectfully submitted that the bushing 42 and the elastic subpart 44 in the Kang invention have a cylindrical or ring-type structure and they are not directly coupled to any axle. In addition, Kang discloses, at col. 5, ll. 9-11, that it is necessary for the contacting part 41 of bushing 42 to be a non-circular shape. Further, the bushing 42 and the elastic subpart 44 in the Kang invention are installed between the rotation-support part 14 of the main body 10 and the camera module 30. Thus, neither the bushing 42 nor the elastic subpart 44 in the Kang invention is directly formed on a camera case as in the presently claimed invention. Rather, in the Kang invention, a rotational axis, which is inserted into a side of a camera module, goes through the ring structure present in the center of the installed bushing 42 and the elastic subpart 44.

In contrast, in the frictional plate of the presently claimed invention, a plurality of stepped protrusion is formed at the end of a deceleration axle, which is connected to a

decelerator at the other end, and a plurality of mating grooves corresponding to the stepped protrusions are formed on a camera case. The frictional plate in the presently claimed invention may be in a circular shape in contrast to the Kang invention.

Therefore, Kang fails to disclose or suggest a frictional plate having a plurality of stepped protrusions formed at the end of deceleration rotational axle and a plurality of mating grooves formed on a camera case as in the presently claimed invention.

With regard to the rejection of claim 10, Kang was cited for disclosing a bushing 42 and an elastic subpart 44 which are attached to the camera module 30 because the Examiner believes that they act as a fixation ring.

As discussed above, the bushing 42 and the elastic subpart 44 in the Kang invention are installed between the rotation-support part 14 of the main body 10 and the camera module 30. However, as shown in Fig. 4 of the present application, the fixation ring of the presently claimed invention is not in contact with or closely located to the camera module. Therefore, Kang fails to disclose or suggest a fixation ring fixing a rotatable portion inserted into a hinge groove formed generally in the middle of the first and the second hinge portions as in the presently claimed invention.

It is respectfully submitted that Kang fails to cure the deficiencies of Lim with regard to the limitations in claim 1, "wherein said means for decelerating includes: (i) a drive gear provided at a camera motor axle and adapted to decelerate said rotational force generated from said gear motor; (ii) a deceleration gear operatively coupled to said drive gear and deceleration-rotated with a certain ratio; (iii) a deceleration rotational axle for transmitting said decelerated rotational force; and (iv) a transmission gear operatively coupled between said drive gear and said deceleration gear." As discussed above in connection with § 102 Rejection, amended claim 1 is allowable over Lim.

Therefore, Lim and Kang fail to be combinable to arrive at the presently claimed invention. Accordingly, it is respectfully asserted that claims 5-7 and 10, which ultimately depend from claim 1, also are allowable over the cited references because the references, independently or in combination, fail to disclose or suggest the recited limitations. In view of the above arguments, it is respectfully asserted that the Examiner has failed to establish a prima facie case of obviousness and, therefore, claims 5-7 and 10 are allowable over the cited combination of references.

New Claims

With this paper, new claims 12-20 have been added. Support for new claims 12-14 can be found in paragraphs 0036-0043 at pages 8-10 in the specification. Support for new claims 15-17 can be found in paragraph 0034 at page 7 in the specification. Support for new claims 18-20 can be found in paragraphs 0045-0046 at pages 10-11 in the specification. No new matter has been inserted into the application. Accordingly, entry of new claims 12-14 to the application is respectfully requested. It is believed that new claims 18-20 are allowable because none of the cited references disclose a camera assembly for a mobile communication device, comprising a camera rotatably coupled to first hinge portion; a gear motor positioned at rear/battery side of a body of the mobile communication device for generating a rotational force; and a decelerator operatively coupled between said camera and said gear motor for decelerating said rotational force for the purpose of rotating said camera as in the presently claimed invention. It is further believed that new claims 12-17, which depend from claim 1, are allowable for the same reasons given herein for the allowability of claim 1.

CONCLUSION

In view of the above remarks, Applicant submits that claims 1, 2, and 4-20 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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